



# MEMORANDUM

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DATE: May 2, 2018  
For May 17, 2018 Hearing

TO: Steven Shell  
Zoning Examiner

FROM: Scott Clark  
Planning & Development Services  
Interim Director

SUBJECT: REZONING – PLANNING & DEVELOPMENT SERVICES REPORT  
C9-18-05 Fort Lowell Park – Fort Lowell Road, MH-1 & R-3 to C-2 (Ward 3)

**Issue** – This is a request by Brian Underwood of The Planning Center, on behalf of the property owner Abraham Slilaty of Fort Lowell Park, LLC, to rezone approximately 7.92 acres from MH-1 and R-3 to C-2 zoning. The rezoning site is comprised of predominantly vacant land located on the south side of Fort Lowell Road approximately 800 feet east of Alvernon Way (see Case Location map). The preliminary development plan (PDP) proposes a mixed-use infill development with ten buildings totaling 212,220 square feet of floor area, with required parking, screening and landscaping.. Approximately 120,000 square feet of self storage with RV parking in three buildings, which is designated as Phase 1 of the project, will be constructed in the eastern portion of the site, and 93,000 square feet of commercial retail and restaurant uses in seven buildings, which is proposed as Phase 2, will be constructed in the remaining western portion of the site. The maximum proposed building height on the rezoning site is 40 feet, as allowed in the C-2 zone. There are two single-story single-family residences located on a parcel in the northeast area of the subject property in an area where a portion of the self storage use is proposed. Both of these residences will be demolished prior to construction of the proposed storage facility.

**Planning & Development Services Recommendation** – The Planning & Development Services Department recommends approval of C-2 zoning, subject to the attached preliminary conditions.

## **Background Information**

**Existing Land Use:** Vacant land with two single-family homes in the northern portion of the site.

## **Zoning Descriptions:**

Existing: MH-1 – This zone provides for low to medium density residential development primarily in mobile home buildings on individual lots and within mobile homes parks. Civic, educational, recreational, religious uses, and select other uses, such as day care and urban agriculture, are also permitted that provide reasonable compatibility with adjoining residential uses.

Existing: R-3 – This zone provides for high density residential development and compatible uses. Civic, educational, recreation, religious uses, and select other uses such as day care and urban agriculture are also permitted that provide reasonable compatibility with adjoining residential uses.

Proposed: C-2 – This zone provides for general commercial uses that serve the community and region. Residential and select other agriculture, civic, recreational, and utility uses may also be permitted that provide reasonable compatibility with adjoining residential uses.

Surrounding Zones and Land Uses:

North: Zoned C-2, MH-1 and R-1; office, self storage, mobile home park and single-family residential

South: Zoned MH-1; mobile home park

East: Zoned R-2; single-family residential

West: Zoned C-1 and MH-1; office and mobile home park

Previous Cases on the Property:

Plan Amendment (1) - The applicant successfully processed an amendment to the *Grant-Alvernon Area Plan* to allow for office and high-density residential uses along the Fort Lowell frontage of the rezoning site (Resolution No. 20819 adopted November 13, 2007).

Plan Amendment (2) - The applicant successfully processed an amendment to the *Grant-Alvernon Area Plan* to allow commercial, office and high-density residential uses on the rezoning site, with building heights restricted to a maximum of 40 feet (Resolution No. 22846 adopted December 19, 2017).

C9-09-11 Slilaty - Fort Lowell Road, R-2 and R-3 to O-3 This was a rezoning request for approximately 1.31 acres in the eastern portion of the subject property to allow a two-story administrative and professional office building totaling 15,600 square-feet of floor area with a height ranging from 26 to 40 feet in height. On January 26, 2010 the Mayor & Council voted 7-0 to authorize the rezoning. On September 9, 2014 the Mayor & Council voted 7-0 to approve a five-year time extension. As of the date of this report, this case (C9-09-11) is active, but the applicant plans to withdraw the case if the new request for rezoning to C-2 is approved by the Mayor and Council.

C9-08-01 Fort Lowell Park, LLC - Fort Lowell Road, R-3 and MH-1 to O-3 This was a rezoning request for 6.58 acres located on the western and southern portions of the subject property, to allow the development of eight (8) administrative and professional office structures totaling 82,627 square-feet of floor area and ranging from 24 to 40 feet in height. On June 3, 2008 Mayor and Council voted 6-0 to authorize the rezoning.

Related Cases:

C9-06-31 Summit Development – Fort Lowell Road, R-2 to C-1 This was a rezoning request for approximately 5.6 acres located on the northeast corner of Fort Lowell Road and Alvernon Way, approximately 200 feet northwest of the subject property, to allow the development of eight, one- and two-story structures providing 66,900 square feet of office and commercial uses. On November 20, 2007, Mayor and Council adopted Ordinance No. 10478 and on April 3, 2008 building permit T08CM00391 was issued, effectuating C-1 zoning on the property.

C9-83-31 National Self Storage – Fort Lowell Road UR to B-2A (C-2) This was a rezoning request for approximately 2.4 acres located on the north side of Fort Lowell Road and approximately ¼ mile east of Alvernon Way, and approximately 200 feet northeast of the subject property, to allow the development of a self storage facility. On December 5, 1983, Mayor and Council adopted Ordinance No. 8776 and on April 26, 1984 building permit PB01109 was issued, effectuating B-2A (C-2) zoning on the property.

**Applicant's Request** – C-2 (Commercial) zone is requested for development of self storage, commercial retail, and food service uses.

**Planning Considerations** – *Plan Tucson (PT)* and the *Grant-Alvernon Area Plan (GAAP)* provide policy direction for the rezoning site.

*Plan Tucson:* Sensitivity to the adjacent residential neighborhoods is a high priority within *PT*. *PT* policy supports neighborhood commercial and retail uses along arterial streets, taking into consideration traffic safety and congestion issues. *PT* guidelines support the location of employment, retail and services in proximity to each other to allow easy access and reduce dependence on car travel, and supports infill and redevelopment projects that reflect sensitivity to site and neighborhood conditions and adhere to relevant site and architectural design guidelines. *PT* also supports strategically located mixed-use activity centers and activity nodes in order to increase transit use, reduce air pollution, improve delivery of services, and create inviting places to live, work, and play, while protecting established residential neighborhoods by supporting compatible development, which may include other residential, mixed-use infill and appropriate non-residential land uses.

The proposed site is within an area identified in *PT* as “Existing Neighborhood”, which are primarily developed, largely built-out residential neighborhoods and commercial districts in which minimal new development and redevelopment is expected in the next several decades. The goal is to protect and maintain the character of the neighborhood by accommodating new, compatible development, and encouraging reinvestment and new services as area amenities. *PT* also encourages context-sensitive community design that protects the integrity of existing neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of adjacent streets.

*Grant-Alvernon Area Plan* policies encourage development of vacant properties if the use is compatible with and the design is sensitive to surrounding uses with an overall goal of improving the visual appearance of the area. Policies support commercial and office development near residential areas that will serve to protect and enhance the quality of life for neighborhood residents. The conceptual land use map for this site calls for commercial, office and residential uses with a maximum height of 40 feet.

The rezoning site totals 7.92 acres and consists of eight parcels. Based on the PDP, the parcels will be combined/reconfigured. The project site has an irregular U-shape, measuring roughly 630 feet north-to-south by 660 feet east-to-west. Two single-family homes in the northeast corner of the “U” are proposed for demolition to accommodate development, parking, and access to the self storage site. An existing apartment complex occupies the central area between the “arms” of the U-shaped project area. To the west of the site are office uses in C-1 zoning, and a mobile home park, zoned MH-1. To the north across Fort Lowell Road are office uses, a self storage facility, a mobile home park and single-family homes in C-2, MH-1 and R-1 zoning. To the east are single family residences, zoned R-2. To the south is a mobile home park, zoned MH-1.

Field inspection by staff indicates there are no billboards on the rezoning site.

### **Design Considerations**

Land Use Compatibility – The rezoning request to C-2 is to allow self storage with RV storage, commercial retail and food service uses. Sensitivity to the adjacent residential neighborhood is a high priority in *Plan Tucson*, and the *Grant-Alvernon Area Plan*. Per the submitted PDP, a 10-foot wide landscape border is proposed along the entire boundary of the project, with retention-detention basins in the southeastern and northwestern portions of the rezoning site, and screen walls as required by the *Unified Development Code*.

On February 8, 2018 the applicant held the required neighborhood meeting, where there were 7 neighbors in attendance plus the applicants. Issues discussed included traffic, access, vehicle/pedestrian circulation, and concerns regarding widening Fort Lowell Road to provide a left turn lane into the site for westbound traffic. Other questions from the attendees related to the hours of operation, delivery, building heights, lighting, the type of landscaping vegetation proposed, and whether there would be an onsite manager for the self storage facility.

Staff recommends that deliveries be limited to between the hours of 7:00 am and 10:00 pm, and that food service uses be limited to between the hours of 5:00 am and 12:00 midnight. Staff further recommends that no drive-thru loud speakers be permitted.

Drainage/Grading/Vegetation – Drainage from the site runs off to the Christopher City Wash watershed and Alvernon Wash watershed. The Christopher City Wash watershed is classified as a balanced basin. The Alvernon Wash is subject to flooding as a FEMA special flood hazard area. Discharges to drainage facilities in both watersheds are at or above capacity. Retention of 100 percent of the 5-year discharge will be required for all development in this site, and all on-site run-



off should drain towards water harvesting areas before overtopping to the adjacent right-of-way or private property. Landscaping in the form of drought-tolerant canopy trees, shrub and groundcover should be planted to enhance the overall visual impact of the proposed uses and the parking area, as required to comply with *Unified Development Code* Table 7.6.4-I.

Road Improvements/Vehicular Access/Circulation – The rezoning site is located along the south side of Fort Lowell Road. The PDP reflects that the site and its parking area will be accessed at two points from Fort Lowell. A widening of Fort Lowell Road is proposed as part of the rezoning request to accommodate a continuous left-turn lane in the center of the right-of-way, and a right-turn deceleration lane at the western (phase 2) access point. Both driveways will be positioned to closely align with existing access drives on the north side of Fort Lowell Road. According to the *Major Streets and Routes Plan* map, Fort Lowell Road is a major arterial with a future right-of-way of 100 feet. The PDP shows dedication of right-of-way as required along the south side of Fort Lowell Road adjacent to the rezoning site.

**Conclusion** – The proposed rezoning is consistent with, and supported by, the policy direction provided in *Plan Tucson* and the *Grant-Alvernon Area Plan*. Subject to compliance with the attached preliminary conditions, approval of the requested rezoning is appropriate.

### PROCEDURAL

1. A development package in substantial compliance with the preliminary development plan dated February 26, 2018, and required reports, are to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Zoning Amendment". The fully executed Waiver must be received by the Planning & Development Services Department before the item is scheduled for Mayor and Council action.
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

### LAND USE COMPATIBILITY

6. All walls visible from a public right-of-way are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
7. Six (6) inch wide masonry block or greater shall be used for perimeter walls.
8. Commercial delivery hours shall be limited to between 7:00 am and 10:00 pm.
9. Hours of operation for food service uses shall be limited to between 5:00 am and 12:00 midnight Sunday through Thursday, and between 5:00 am and 2:00 am Friday and Saturday. There shall be no drive-thru loud speakers permitted.
10. Gate hours for the storage use shall be limited to between 6:00 am and 10:00pm.

AGREEMENT TO WAIVE ANY CLAIMS  
AGAINST THE CITY FOR ZONING AMENDMENT

This agreement ( "**Agreement**") is entered into between \_\_\_\_\_, as the owner of the property described herein ("**Owner**") and the City of Tucson ("**City**") to waive any and all claims for diminution of value that may be based upon action by the City in response to a request from the Owner. This Agreement is entered into in conformance with A.R.S. §12-1134(I).

The Owner is the holder of fee title to the property located at \_\_\_\_\_, Tucson, Arizona, (the "**Property**") which is more fully described in the Owner's application to the City in Case C9-18-05 and incorporated herein. The Owner, or the authorized agent of the Owner, has submitted an application to the City requesting that the City rezone the Property. The Owner has requested this action because the Owner has plans for the development of the Property that require the rezoning. The Owner believes that the rezoning of the Property will increase the value and development potential of the Property, and that this outweighs any rights or remedies that may be obtained under A.R.S. §12-1134 et. seq.

By signing this Agreement, the Owner waives any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of the enactment of the zoning amendment in Case C9-18-05 .

The Owner understands that City staff may propose, the Zoning Examiner may recommend and the Mayor and Council may adopt conditions to the requested zoning that limit the potential development of the Property. The Owner acknowledges that the rezoning and conditions are a single, integrated legislative approval. The Owner agrees and consents to all conditions that may be imposed. The Owner retains the right to withdraw the rezoning application prior to a vote by the Mayor and Council or to decline to implement the necessary requirements to effectuate the zoning if the Owner disagrees with any conditions that are proposed or approved. If the Owner does not withdraw the application, the Owner shall be deemed to have accepted all adopted conditions to the requested zoning. If the Owner withdraws the application or does not effectuate the new zoning, this Agreement is null and void.

This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the City Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior to entering this Agreement and enters it fully understanding that the Owner is waiving the rights and remedies as set forth herein.

Upon execution, this Agreement shall be recorded in the Office of the Pima County Recorder.

The Owner warrants and represents that the person or persons listed herein as the Owner is/are the owner in fee title of the Property. The Owner further agrees to indemnify and hold the City of Tucson, its officers, employees and agents harmless from any and all claims, causes of action, demands, losses, costs and expenses based upon an alleged reduction of value of the Property as a result of the City's action in Case C9-18-05.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Owner: \_\_\_\_\_

(Name of Individual, Corporation, Partnership, or LLC, as applicable)

Owner: \_\_\_\_\_

(Name of Individual, Corporation, Partnership, or LLC, as applicable)

By: \_\_\_\_\_

(Signature of Owner or Authorized Representative, if applicable)

By: \_\_\_\_\_

(Signature of Owner or Authorized Representative, if applicable)

Its: \_\_\_\_\_

(Title of Individual Signing in Representative Capacity)

Its: \_\_\_\_\_

(Title of Individual Signing in Representative Capacity)

State of Arizona )

County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_ on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

\_\_\_\_\_  
Notary Public

My Commission expires:

\_\_\_\_\_

City of Tucson, an Arizona municipal Corporation:

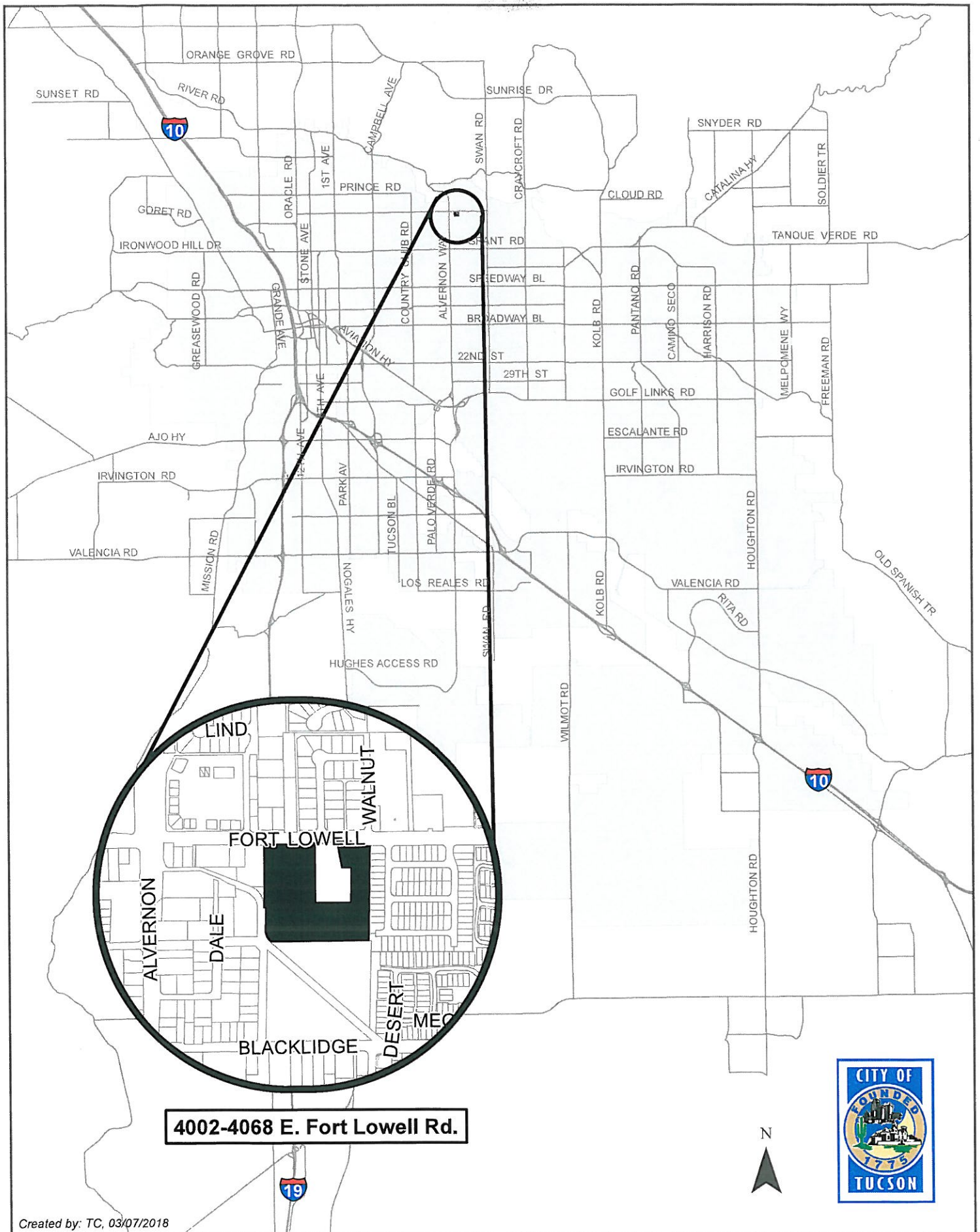
By: \_\_\_\_\_

Planning & Development Services Department

This form has been approved by the City Attorney.



C9-18-05  
Fort Lowell Park





**C9-18-05 - Fort Lowell Park**  
**Rezoning Request: From MH-1 and R-3 to C-2**



 Area of Rezoning Request



Address: 4002-4068 E. Fort Lowell Rd.  
Base Maps: Twp.13S Range14E Sec. 34  
Ward: 3

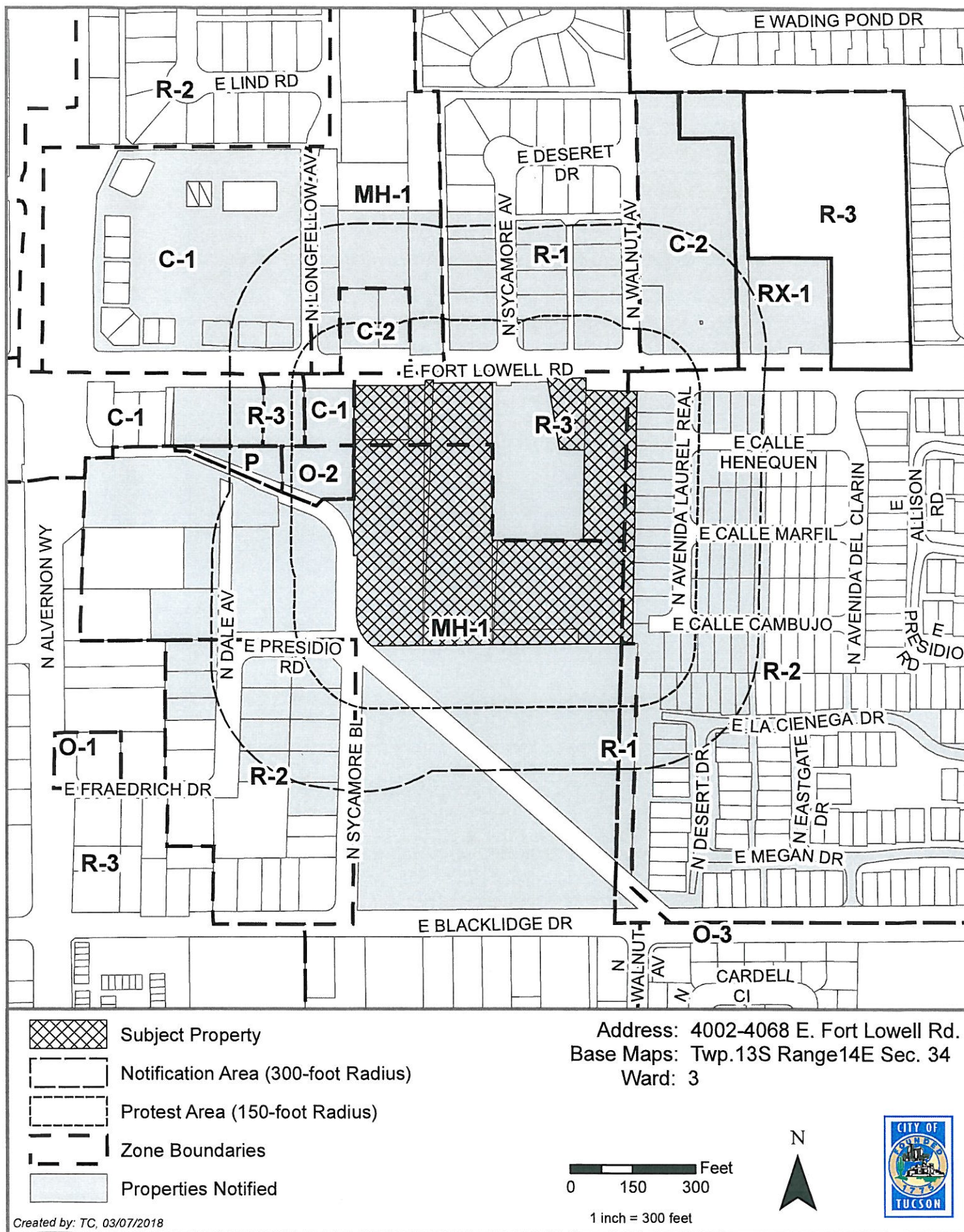
0 150 300 Feet  
1 inch = 300 feet



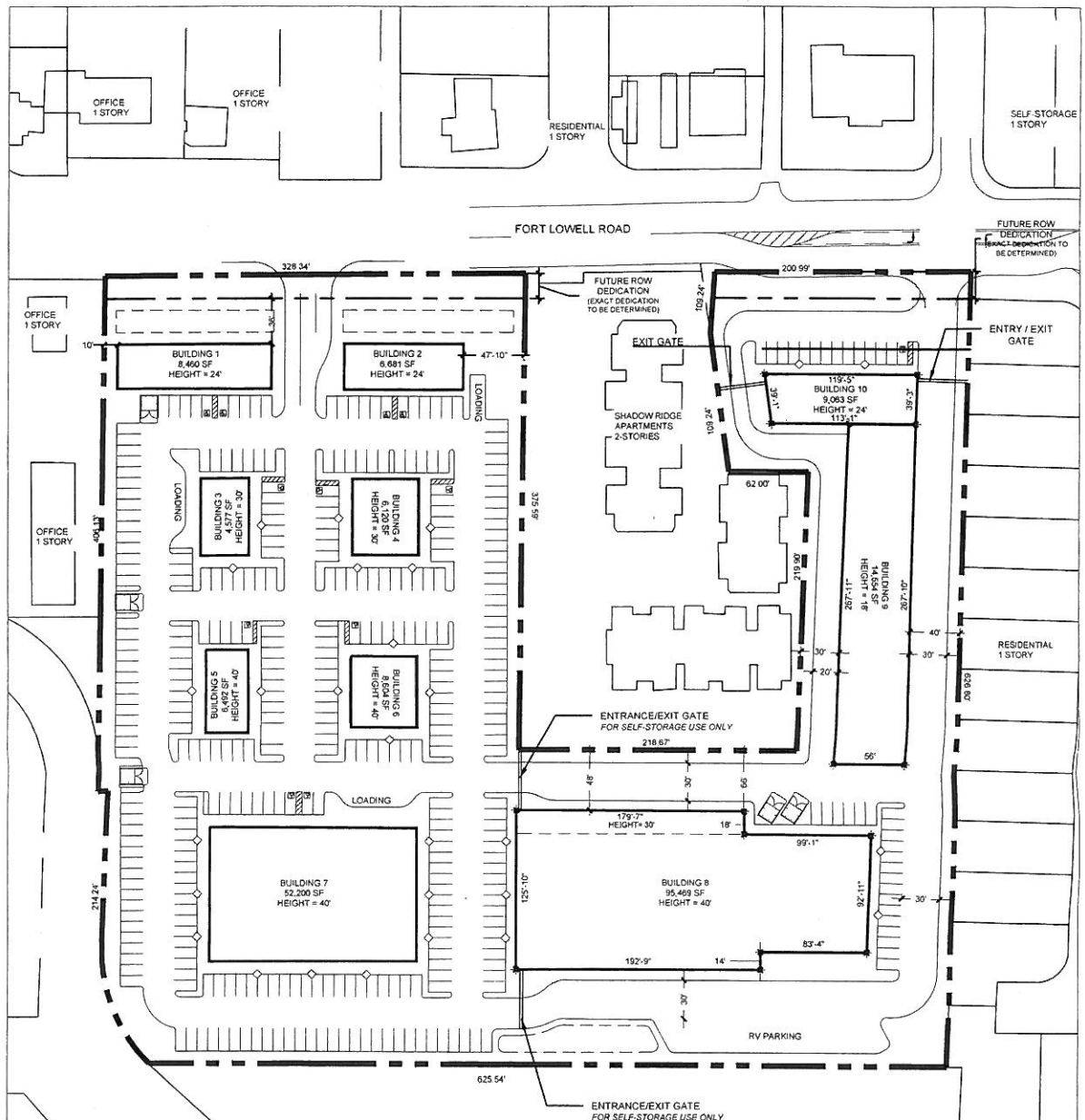


# C9-18-05 - Fort Lowell Park

## Rezoning Request: From MH-1 and R-3 to C-2



# CONCEPTUAL SITE PLAN



## PROJECT DATA

SITE AREA 7.92 AC.  
 EXISTING USE VACANT  
 EXISTING ZONING O-3, R-1 (MH-1)  
 PROPOSED ZONING C-2  
 PROPOSED USES RESTAURANT, COMMERCIAL & SELF-STORAGE  
 TOTAL RESTAURANT 4,230 SF  
 TOTAL COMMERCIAL 88,904 SF  
 TOTAL SELF-STORAGE 119,086 GFA (@ 25% = 89,314 SF NET)  
 BUILDING HEIGHT 40' (MAX)

## USES

BUILDING #1  
 BUILDING #2-7  
 BUILDING #8-10

RESTAURANT / GENERAL COMMERCIAL  
 GENERAL COMMERCIAL  
 SELF-STORAGE

## PARKING DATA

RESTAURANT 1 PARKING SPACE PER 100 SF (43 SPACES)  
 GENERAL COMMERCIAL 1 PARKING SPACE PER 300 SF (297 SPACES)  
 SELF-STORAGE 1 PARKING SPACE PER 4,000 SF +  
 TOTAL PARKING REQUIRED 372 PARKING SPACES  
 TOTAL PARKING PROVIDED 378 PARKING SPACES  
 RESTAURANT & COMMERCIAL 343 PARKING SPACES  
 SELF-STORAGE 35 PARKING SPACES

SURPLUS PARKING 6 PARKING SPACES

RV PARKING PROVIDED 18 PARKING STALLS

**Rezoning**  
**Preliminary Development Plan**  
**C9-18-05 Date 2-26-18**  
**Planning & Development Services**

# FORT LOWELL PARK

SCALE 1"=80'-0"  
 PROJECT FILE#06 DATE 10/02/17  
 FILE NAME FLP\_06\_SITE\_PLAN\_100217.DWG





## Approval – Protest Form

If you wish to submit a written protest or approval, this form is provided for your convenience. Please print your comments below, sign your name, and mail to the Rezoning Section of the Planning and Development Services Department at the address on the reverse side (you will need to attach postage). The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner's public hearing.

**Approvals and protests must have an owner's signature to be recorded.**

If there are protests from 20% of the property owners within 150' of the whole perimeter of the property being rezoned, including BOTH 20% of the property by area and 20% of the number of lots with 150', then an affirmative vote of  $\frac{3}{4}$  of the Mayor and Council (5 of 7 council members) will be required to approve the rezoning ordinance or Mayor and Council Special Exception. Public rights-of-way and the area/lot of the proposed rezoning are included in the protest calculations.

**Case: C9-18-05 Fort Lowell Park – Fort Lowell Road, MH-1 and R-3 to C-2 (Ward 3)**

\_\_\_\_\_  
I/We the undersigned property owners, wish to

- ☐ APPROVE the proposed rezoning/special exception  
☐ PROTEST the proposed rezoning/special exception

**Reason:**

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PLEASE PRINT YOUR NAME	PLEASE PRINT MAILING ADDRESS	PLEASE PRINT LEGAL PROPERTY DESCRIPTION		
		Subdivision	Block	Lot

Owner's Signature: \_\_\_\_\_ Date \_\_\_\_\_



C9-18-05

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**City of Tucson** PMc  
Planning & Development Services  
201 N. Stone Avenue  
P.O. BOX 27210  
Tucson, Arizona 85726-7210

C9-18-05  
IMPORTANT REZONING NOTICE ENCLOSED